On January 1, 2008, Public Law 110-181 (The Bond Amendment) repealed Title 10 U.S.C. 986 (Smith Amendment).

Bond Amendment

The Bond Amendment repealed 10 U.S.C. section 996 formerly known as the Smith Amendment, and places restrictions that are similar to the Smith Amendment, but which apply to all Federal Government Agencies. The Bond Amendment bars persons from holding a security clearance for access to **SAPs**, **Restricted Data** and **SCI** if they have been:

- convicted of a crime and served more than one year of incarceration.
- discharged from the Armed Forces under dishonorable conditions.
- determined to be mentally incompetent by a court or administrative agency.

The Bond amendment also prohibits all Federal Agencies from granting or renewing a security clearance for any covered person who is an unlawful user of a controlled substance or is an addict; **this prohibition applies to all clearances**. For the purposes of this prohibition:

- an unlawful user of a controlled substance is a person who uses a controlled substance and who has lost the power of self-control with reference to the use of the controlled substance, and any person who is a current user of the controlled substance in a manner other than as prescribed by a licensed physician.
- "use" includes any use recent enough to indicate that the individual is actively engaged in such conduct and is an addict (lost the power of self-control or habitual user).
- An "addict" of a controlled substance is any individual who habitually uses any narcotic drug so as to endanger the public moral, health, safety, or welfare; or
- is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction.

Reconsideration of clearance eligibility if employee was denied or revoked under the Smith Amendment

Personnel whose eligibility was previously denied or revoked under the Smith Amendment may only be reconsidered for eligibility if the original denial or revocation was based on a criminal conviction with incarceration for not less one-year; discharge or dismissal from the Armed Forces under dishonorable conditions; or a determination of mental incompetence. The individual's employer or Government sponsor MUST nominate him/her for a position requiring a security clearance.

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